

REMARKS

Applicants thank the Examiner for the phone call of June 29, 2009, in which we discussed the status of the instant claims. In response to the Examiner's request, Applicants submit herewith a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent issued for a copending application No. 10/580,364, with the exceptions described therein.

Double Patenting Rejections

The Examiner has provisionally rejected claims 34-38 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-4 and 6-9 of copending Application No. 10/580,364 ('364). In response, Applicants respectfully submit herewith a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent issued for a copending application No. 10/580,364, with the exceptions described therein. Applicants request reconsideration of the instant claims in light of the submission of this Terminal Disclaimer.

SUMMARY

In view of the amendments to the claims, Applicants respectfully submit that the claims are now in condition for allowance.

FEE AUTHORIZATION

The Commissioner is authorized to charge any fees and credit any overpayments that may be due in connection with this submission to Nixon Peabody LLP Deposit Account No. 50-0850.

Date: June 30, 2009

Customer No. 50828

Respectfully submitted,

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